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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,486	09/15/2003	Lee Arthur Branom		9213

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EXAMINER	
CHAU, COREY P	
ART UNIT	**PAPER NUMBER**
2615	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/662,486	BRANOM, LEE ARTHUR	
	Examiner	Art Unit	
	Corey P. Chau	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6356644 to Pollak.

3. Regarding Claim 1, Pollak discloses a new and improved stereo headphone, comprising a multiple of two or more piezoelectric transducers in each ear piece with the two or more piezoelectric transducers of each piece working in conduction with each other in a stereo headphone (abstract; Figs. 1, 4, and 8; column 4, lines 1-16).

4. Regarding Claim 2, Pollak discloses each said piezoelectric transducer of each ear piece is designed and made to handle a specific part of the frequency range high,

mid, and low ranges in a stereo headphone (abstract; Figs. 1, 4-5, and 8; column 4, lines 1-16; column 5, line 26 to column 6, line 13).

5. Regarding Claim 3, Pollak discloses each said ear piece has a passive crossover network designed and made to facilitate the management of the high, mid, and low frequencies for each piezoelectric transducer in a stereo headphone (abstract; Figs. 1, 4-5, and 8; column 4, lines 1-16; column 5, line 26 to column 6, line 13).

6. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6944309 to Terai et al. (hereafter as Terai).

7. Regarding Claim 1, Terai discloses a new and improved stereo headphone, comprising a multiple of two or more piezoelectric transducers in each ear piece with the two or more piezoelectric transducers of each piece working in conduction with each other in a stereo headphone (abstract; Figs. 1-4 and 7-18; column 8, lines 55-67; column 10, lines 12-62).

8. Regarding Claim 2, Terai discloses each said piezoelectric transducer of each ear piece is designed and made to handle a specific part of the frequency range high, mid, and low ranges in a stereo headphone (abstract; Figs. 1-4 and 7-18; column 8, lines 55-67; column 10, lines 12-62).

9. Regarding Claim 3, Terai discloses each said ear piece has a passive crossover network designed and made to facilitate the management of the high, mid, and low frequencies for each piezoelectric transducer in a stereo headphone (abstract; Figs. 1-4 and 7-18; column 8, lines 55-67; column 10, lines 12-62).

10. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 7155025 to Weffer.

11. Regarding Claim 1, Weffer discloses a new and improved stereo headphone, comprising a multiple of two or more piezoelectric transducers in each ear piece with the two or more piezoelectric transducers of each piece working in conduction with each other in a stereo headphone (abstract; Figs.1-4; column 4, line 65 to column 5, line 3)

12. Regarding Claim 2, Weffer discloses each said piezoelectric transducer of each ear piece is designed and made to handle a specific part of the frequency range high, mid, and low ranges in a stereo headphone (abstract; Figs.1-4; column 4, line 65 to column 5, line 3).

13. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4418248 to Mathis.

14. Regarding Claim 1, Mathis discloses a new and improved stereo headphone, comprising a multiple of two or more piezoelectric transducers in each ear piece with the two or more piezoelectric transducers of each piece working in conduction with each other in a stereo headphone (abstract; Figs. 1-4; column 1, lines 39-56; column 2, line 38 to column 3, line 17).

15. Regarding Claim 2, Mathis discloses each said piezoelectric transducer of each ear piece is designed and made to handle a specific part of the frequency range high,

mid, and low ranges in a stereo headphone (abstract; Figs. 1-4; column 1, lines 39-56; column 2, line 38 to column 3, line 17).

16. Regarding Claim 3, Mathis discloses each said ear piece has a passive crossover network designed and made to facilitate the management of the high, mid, and low frequencies for each piezoelectric transducer in a stereo headphone (abstract; Figs. 1-4; column 1, lines 39-56; column 2, line 38 to column 3, line 17).

17. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 3984885 to Yoshimura et al. (hereafter as Yoshimura).

18. Regarding Claim 1, Yoshimura discloses a new and improved stereo headphone, comprising a multiple of two or more piezoelectric transducers in each ear piece with the two or more piezoelectric transducers of each piece working in conduction with each other in a stereo headphone (abstract; Figs. 1-2, 4, and 6-7; column 2, lines 9-63; column4, line 3 to column 4, line 11).

19. Regarding Claim 2, Yoshimura discloses each said piezoelectric transducer of each ear piece is designed and made to handle a specific part of the frequency range high, mid, and low ranges in a stereo headphone (abstract; Figs. 1-2, 4, and 6-7; column 2, lines 9-63; column4, line 3 to column 4, line 11).

20. Regarding Claim 3, Yoshimura discloses each said ear piece has a passive crossover network designed and made to facilitate the management of the high, mid, and low frequencies for each piezoelectric transducer in a stereo headphone (abstract; Figs. 1-2, 4, and 6-7; column 2, lines 9-63; column4, line 3 to column 4, line 11).

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P. Chau whose telephone number is (571)272-7514. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 4, 2007
CPC

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